

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Haley J. Thomas, # 303139,)	C/A NO. 2:10-467-CMC-RSC
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
South Carolina Department of Corrections,)	
Director Jon Ozmint; Dr. John Solomon,)	
Director of Health Services; Dr. Beinor,)	
Director Med; Willie Eagleton, Warden)	
ECI; RN Amy Smith, HCA; LPN Charlene)	
Gaskins; LPN Shelly Stokes; LPN Carrie)	
Rhyan,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint which raises claims pursuant to 42 U.S.C. § 1983. This matter was removed to this court by Defendants pursuant to 28 U.S.C. § 1441(c).

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Robert S. Carr for pre-trial proceedings and a Report and Recommendation ("Report"). On June 18, 2010, the Magistrate Judge issued a Report recommending that the federal claims in Plaintiff's complaint be dismissed with prejudice by consent and that the remaining state law causes of action be remanded to the Marlboro County Court of Common Pleas. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. On June 18, 2010, Plaintiff filed a Motion to Compel, to which Defendants responded July 6, 2010. However,

no objections to the Report have been filed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

Plaintiff’s federal causes of action are dismissed with prejudice. The court declines to exercise supplemental jurisdiction over the remaining state law causes of action, and therefore these state law causes of action are remanded to the Marlboro County Court of Common Pleas.

Plaintiff’s motion to compel (Dkt. # 22, filed June 18, 2010) is hereby termed as moot in this court.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 14, 2010

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